

Application No.: 09/749,993
New Attorney's Docket No. 0220-079

REMARKS

Claims 1-21 are pending in the application. Favorable reconsideration is respectfully requested in view of the following remarks. The undersigned has made multiple, unsuccessful attempts at contacting the Examiner (and the Supervisor, Mr. Vincent Millin) via telephone to request an interview. The Examiner is urged to contact the undersigned to schedule an interview for discussing this application.

Claims 1-21 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter for allegedly lacking recitation of technology in the body of the claims.

In the Final Office Action (as well as in the first Office Action), the Examiner has suggested including language directed to a computer in the body of the claim to overcome the 35 U.S.C. § 101 rejection.

The Examiner's attention is directed to lines 7 and 9 of claim 1 (previously presented in the Response dated March 2, 2005) which recite a billing computer as suggested in a previous Office Action (dated December 13, 2004). Applicants request withdrawal of the § 101 rejection as the claim includes language suggested by the Examiner.

Claims 1-9 and 11-19 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,884,284 ("Peters et al.").

Exemplary embodiments disclose a method by which service is provided to a customer, the service being measurable in quantifiable service units used by the customer such that billing for the service to the customer is based at least in part on a number of service units used. A customer is allowed to obtain service unit credits to be applied against service units used by the customer. A billing computer bills for the service to the customer according to a billing cycle. The billing computer, for each billing cycle, applies service unit credits obtained by the customer and extant against the service units used by the customer during the billing cycle. If service unit credits remain after applying the service unit credits obtained by

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the customer and extant against the service units used by the customer, the remaining service unit credits are carried forward, by the billing computer for each billing cycle, to be available during a subsequent billing cycle. The customer is allowed to treat the service unit credits as a commodity whereby the commoditized service unit credits may be bought, sold, and/or traded for service and/or goods.

Peters is directed to a computerized system and method for managing a telecommunication user account (col. 1, lines 8-10). As described by Peters, a subscriber database is accessed and unbilled usage data and historical information is collected. A bill is then generated based on this information (col. 29, lines 3 to 18).

In contrast to exemplary embodiments as disclosed and recited in claim 1 of the present application, Peters fails to disclose, *inter alia*, *allowing the customer to obtain service unit credits to be used against service units used by the customer.*

Peters also fails to disclose a *billing computer, for each billing cycle, applying service unit credits obtained by the customer and extant against the service units used by the customer during the billing cycle.*

In addition, Peters fails to disclose a billing computer, for each billing cycle, *if service units remain after applying the service unit credits obtained by the customer and extant against the service units used by the customer, carrying forward the remaining service unit credits to be available during a subsequent billing cycle.*

Furthermore, Peters fails to disclose *allowing the customer to treat the service unit credits as a commodity, whereby the commoditized service unit credits may be bought, sold, and/or traded for services and/or goods.*

Due to the deficiencies highlighted, Peters fails to anticipate claim 1 as recited. Therefore, the rejection of claim 1 should be withdrawn.

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At least for these reasons, it is believed that claim 1 is allowable. The remaining claims (i.e., 2-21) all of which depend on claim 1 are also allowable.

Claim 10, dependent on claim 1, stands rejected under 35 U.S.C. §103(a) as being unpatentable over Peters. In rejecting claim 10, the Office Action recognizes that Peters fails to disclose *allowing the customer to obtain the service unit credits from the third party at a discounted rate*. The deficiencies of Peters with respect to claim 1 are highlighted above.

Applicants respectfully request clarification of the status of claims 20 and 21 as these claims have not been addressed.

All of the rejections having been overcome, it is believed this application is in condition for allowance and a prompt notice to that effect is respectfully requested. Should the Examiner have any questions with respect to expediting the prosecution of this application, she is urged to contact the undersigned at the number listed below.

Respectfully submitted,
Potomac Patent Group PLLC

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